

FILED

MAR 3 1 2016

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SCOTT B. LARSON,

Plaintiff,

vs.

THE BANK OF NEW YORK
MELLON C/O BANK OF AMERICA,
N.A., MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
FIRST AMERICAN TITLE
COMPANY OF MONTANA, INC.,
RECON TRUST COMPANY, N.A.,
and all other Does or John Does or
parties known or unknown thereof,

Defendants.

CV 15-81-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on February 29, 2016, recommending dismissal of Plaintiff Scott Larson's ("Larson") claims. Larson failed to timely object to the Findings and Recommendations, and so waived his right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C).¹ This Court reviews for clear error those findings and

¹ The docket in this matter reflects that Larson contacted the Clerk of Court on February 16, 2016, and stated that he would be submitting objections to the Findings and Recommendation. The deadline for objections was February 18, 2016. Almost two weeks have passed since this deadline and Larson has not yet filed his objections. The Court declines to wait any longer.

recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court agrees with Judge Lynch’s recommendation that this case should be dismissed without prejudice because Larson has failed to serve Defendants within the time permitted by Federal Rule of Civil Procedure 4(m), or within the extension of time permitted by the Court.

There being no clear error in Judge Lynch’s Findings and Recommendations, IT IS ORDERED that:

(1) Judge Lynch’s Findings and Recommendations (Doc. 17) are ADOPTED IN FULL.

(2) This action is DISMISSED WITHOUT PREJUDICE due to Larson’s failure to effect service of process within the time permitted under Rule 4(m), or within the extension of the time granted by the Court.

Dated this 31st day of March, 2015.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court